

REMARKS

Claims 10-21 are pending in the application. Claims 14, 15 and 18 have been amended. Applicants respectfully request reconsideration of the application in view of the following remarks.

Claims 14-21 have been objected to based on (and rejected under) 37 C.F.R. § 1.75 as being “a substantial duplicate of claims 10-13.” Office Action at 2. Applicants respectfully traverse this objection/rejection¹ and request reconsideration because claims 14-21 all differ substantially from claims 10-13 and are not unduly multiplied.

Claim 14, for example, does not present the term “fibre channel frame header information” as simply a different name for the term “N_Port_Name” of claim 10, as asserted in the Office Action. The term “N_Port_Name” (as recited in claim 10) is typically used to represent a port identifier, as described in Applicants’ specification at 17. “Frame header information” (as recited in claim 14), however, typically contains a plurality of information which may include “N_Port_Name” information, but may also include “a frame type, host protocol type, [and] source and destination’s N_Port_ID information,” as explained in Applicants’ specification at 17. The use in claim 14 of “frame header information” as a means of uniquely identifying an object is substantially different than simply using “N_Port_Name” to uniquely identify a host device, as in claim 10. For at least this reason, claim 14 is not a mere “duplicate” of claim 10.

Moreover, it should be noted that claim 14 is directed to a storage control device including a table that uses information to “uniquely identify a plurality of host computers,” whereas claim 10 is directed to a storage control device including a table using information to “uniquely identify a plurality of host devices.” In addition, claim 14 has been amended to limit the “storage control device” to one that “has at least one port coupled to a plurality of host computers.” The range of “devices” encompassed by claim

¹ Although unstated, it appears that the rejection of claims 14-21 is based on 35 U.S.C. § 112, second paragraph. See, M.P.E.P. § 2173.05 (n).

10 differs from that of claim 14, and therefore, claim 14 is not merely a “duplicate” of claim 10 for these additional reasons.

Similarly, claim 18 is not merely a “duplicate” of claim 10. Like claim 14, claim 18, is also directed to a “storage control device” which uses information to “uniquely identify a plurality of host computers,” as contrasted to a “storage control device” that uses information to identify a plurality of host devices, as in claim 10. Moreover, claim 18 merely recites that the “storage control device” includes “correspondence information” which more broadly claims the subject matter without the restriction of a “table,” as in claim 10. In addition, claim 18 has been amended to recite that the “storage control device” has a “device interface coupled to said plurality of storage devices.” The scope of claim 10 therefore differs from that of claim 18, and thus, claim 18 is not merely a “duplicate” of claim 10.

Applicants remind the Office that M.P.E.P. § 2173.05 (n) sets forth standards for rejecting claims found to be “unduly multiplied” under 37 C.F.R. § 1.75. In this M.P.E.P. section, it is stated that the rejection may be appropriate when the net result of an unreasonable number of claims is to “confuse” rather than to “clarify”:

Where, in view of the nature and scope of Applicant’s invention, Applicant presents an unreasonable number of claims which are repetitious and multiplied, the net result of which is to confuse rather than to clarify, a rejection on undue multiplicity based on 35 U.S.C. § 112, second paragraph, may be appropriate.

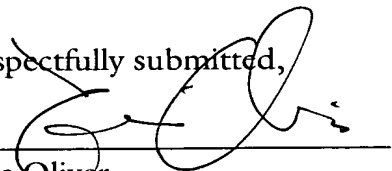
Id. The M.P.E.P. Section, however, cautions that “Applicants should be allowed reasonable latitude in stating their claims in regard to number and phraseology employed. The right of Applicants to freedom of choice in selecting phraseology which truly points out and defines their inventions should not be abridged.” Id. (quoting In re Chandler, 319 F.2d 211, 225 (C.C.P.A. 1963)). “Undue multiplicity rejections based on 35 U.S.C. 112, second paragraph, should be applied judiciously and should be rare.” Id. The mere

presentation of three independent claims that share but do not duplicate some portion of claim scope, as presented in this application by claims 10, 14 and 18 can hardly be viewed as an “unreasonable number” of claims which are “repetitious and multiplied” leading to a “maze of confusion,” as would otherwise be found in the rare case of truly duplicative and unduly multiplied claims.

For at least these reasons, the objection and rejection of claims 14-21 should be reconsidered and withdrawn. As no other objections or rejections are outstanding in this application, Applicants respectfully request that the application be passed to issue with claims 10-21 at the earliest possible convenience.

Applicants hereby petition for any extension of time which may be required to have this Amendment entered and the Remarks considered. The Commissioner is hereby authorized for this purpose to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 04-1073, under Order No. H6815.0072/P072-G. A duplicate copy of this paper is enclosed.

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Respectfully submitted,
By 
Eric Oliver
Registration No.: 35,307
DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP
2101 L Street NW
Washington, DC 20037-1526
(202) 785-9700
Attorney for Applicants